

02/28/02
U.S. PTO

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

A32213-PCT-USA-I

First Inventor Brieden et al

Title Method of Preparing * see attached

Express Mail Label No. EU206385769US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 43]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
- Claim(s) [Total Sheets 6]
 Abstract of the Disclosure [Total Sheets 1]
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages]
- a. Newly executed (original or copy)
b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
37 CFR 3.73(b) Statement Power of Attorney
10. (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No. 09/214,679

Prior application information. Examiner Rao, M

Group Art Unit 1652

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	21003 (Insert Customer No. or Attach barcode label here)		or <input type="checkbox"/> Correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Carmella L. Stephens	Registration No. (Attorney/Agent)	41,328
Signature	<i>Carmella L. Stephens</i>	Date	02/28/2002

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 776)

Complete if Known	
Application Number	Not Yet Known
Filing Date	Not Yet Known
First Named Inventor	Brieden et al
Examiner Name	Not Yet Known
Group Art Unit	Not Yet Known
Attorney Docket No.	A32213-PCT-USA-I

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-4377**Deposit Account Name **Baker Botts LLP**
 Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

 Applicant claims small entity status.
See 37 CFR 1.27
2. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	740		
330	165	Design filing fee			
510	255	Plant filing fee			
740	370	Reissue filing fee			
160	80	Provisional filing fee			
SUBTOTAL (1) (\$ 740)					

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
22	2	-	20 ** = 2	x 18 = 36	
2	-	3 ** = 0	0	x 84 = 0	

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description
18	9	Claims in excess of 20		
84	42	Independent claims in excess of 3		
280	140	Multiple dependent claim, if not paid		
84	42	** Reissue independent claims over original patent		
18	9	** Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2) (\$ 36)				

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath			
50	25	Surcharge - late provisional filing fee or cover sheet			
130	130	Non-English specification			
2,520	2,520	For filing a request for <i>ex parte</i> reexamination			
920*	920*	Requesting publication of SIR prior to Examiner action			
1,840*	1,840*	Requesting publication of SIR after Examiner action			
110	55	Extension for reply within first month			
400	200	Extension for reply within second month			
920	460	Extension for reply within third month			
1,440	720	Extension for reply within fourth month			
1,960	980	Extension for reply within fifth month			
320	160	Notice of Appeal			
320	160	Filing a brief in support of an appeal			
280	140	Request for oral hearing			
1,510	1,510	Petition to institute a public use proceeding			
110	55	Petition to revive - unavoidable			
1,280	640	Petition to revive - unintentional			
1,280	640	Utility issue fee (or reissue)			
460	230	Design issue fee			
620	310	Plant issue fee			
130	130	Petitions to the Commissioner			
50	50	Processing fee under 37 CFR 1.17(q)			
180	180	Submission of Information Disclosure Stmt			
40	40	Recording each patent assignment per property (times number of properties)			
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))			
740	370	For each additional invention to be examined (37 CFR § 1.129(b))			
740	370	Request for Continued Examination (RCE)			
900	900	Request for expedited examination of a design application			
Other fee (specify) _____					

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ 0)**

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Carmella L. Stephens	Registration No. (Attorney/Agent)	41,328	Telephone	212-408-2500
Signature	<i>Carmella L. Stephens</i>			Date	02/28/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Question 4 Addendum

4.a. Drawings are formal informal

* Question 5 Addendum

5.c. An unsigned oath or declaration is included.

* Question 8 Addendum

8.d. A sequence submission will follow.

* Question 9 Addendum

9.a. Assignment documents will follow.9.b. Assignment documents have been filed in
parent application No.

* Question 11 Addendum

11.a. English translation will follow.

* Question 12 Addendum

12.a. Copies of IDS citations will follow.

* Question 15 Addendum

15.a. Certified copies of priority documents will follow.15.b. Certified copies of priority documents have been filed in parent
application No.

Use the space below for additional information

Title (continued):

Method of Preparing (S)- or (R)-3, 3-Trifluoro-2-Hydroxy-2-Methylpropionic Acid

Addendum Sheet 2

18a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)
 Prior application information: Examiner Rao, M. of prior application No.: 09/214,679
 Group Art Unit: 1652

18b. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____
 Prior application information. Examiner _____ Group Art Unit. _____

18c. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____
 Prior application information: Examiner _____ Group Art Unit: _____

- Amend the specification by inserting before the first line the sentence(s) 09/214,679
- "This application is a Continuation Divisional Continuation-in-part (CIP) of:
- "This application is based upon:
 prior application No.: , incorporated by reference herein,
- which is a Continuation Divisional Continuation-in-part (CIP) of:
- which is based upon:
 prior application No. , incorporated by reference herein,
- which is a Continuation Divisional Continuation-in-part (CIP) of:
- which is based upon:
 prior application No. , incorporated by reference herein,
- which is a Continuation Divisional Continuation-in-part (CIP) of:
- which is based upon:
 prior application No. , incorporated by reference herein,
- which is a Continuation Divisional Continuation-in-part (CIP) of:
- which is based upon:
 prior application No. , incorporated by reference herein,
- which is a Continuation Divisional Continuation-in-part (CIP) of:
- which is based upon:
 prior application No. , incorporated by reference herein,

Priority under 35.U.S.C. §119 is claimed based upon the following applications.

Foreign Applications:

Country: <u>Switzerland</u>	Serial No: <u>CH500/97</u>	Filing Date: <u>March 3, 1997</u>
Country: <u>Switzerland</u>	Serial No: <u>CH1723/96</u>	Filing Date: <u>July 10, 1996</u>
Country: _____	Serial No: _____	Filing Date: _____

Provisional Applications:

Serial No: _____	Filing Date: _____
Serial No: _____	Filing Date: _____
Serial No: _____	Filing Date: _____

CERTIFICATION UNDER 37 C.F.R. 1.8(a) OR 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail Certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"
Mailing Label No. EU206385769US (mandatory)

Leroy B. Chick
Signature

Date: February 28, 2002

Leroy B. Chick

(type or print name of person certifying)

***WARNING:** *Each paper of fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing 37 C.F.R. 1.10(b). Since the filing of correspondence under § 1.10 without the Express Mail label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. "Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*